

§ 37-13-89. School attendance officers; qualifications; duties; salaries [Repealed effective July 1, 2009].

(1) In each school district within the state, there shall be employed the number of school attendance officers determined by the Office of Compulsory School Attendance Enforcement to be necessary to adequately enforce the provisions of the Mississippi Compulsory School Attendance Law; however, this number shall not exceed one hundred fifty-three (153) school attendance officers at any time. From and after July 1, 1998, all school attendance officers employed pursuant to this section shall be employees of the State Department of Education. The State Department of Education shall employ all persons employed as school attendance officers by district attorneys before July 1, 1998, and shall assign them to school attendance responsibilities in the school district in which they were employed before July 1, 1998. The first twelve (12) months of employment for each school attendance officer shall be the probationary period of state service.

(2) (a) The State Department of Education shall obtain current criminal records background checks and current child abuse registry checks on all persons applying for the position of school attendance officer after July 2, 2002. The criminal records information and registry checks must be kept on file for any new hires. In order to determine an applicant's suitability for employment as a school attendance officer, the applicant must be fingerprinted. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check. The applicant shall pay the fee, not to exceed Fifty Dollars (\$50.00), for the fingerprinting and criminal records background check; however, the State Department of Education, in its discretion, may pay the fee for the fingerprinting and criminal records background check on behalf of any applicant. Under no circumstances may a member of the State Board of Education, employee of the State Department of Education or any person other than the subject of the criminal records background check disseminate information received through any such checks except insofar as required to fulfill the purposes of this subsection.

(b) If the fingerprinting or criminal records check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in [Section 45-33-23\(g\)](#), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the applicant is not eligible to be employed as a school attendance officer. Any employment of an applicant pending the results of the fingerprinting and criminal records check is voidable if the new hire receives a disqualifying criminal records check. However, the State Board of Education, in its discretion, may allow an applicant aggrieved by an employment decision under this subsection to appear before the board, or before a hearing officer designated for that purpose, to show mitigating circumstances that may exist and allow the new hire to be employed as a school attendance officer. The State Board of Education may grant waivers for mitigating circumstances, which may include, but are not necessarily limited to: (i) age at which the crime was committed; (ii) circumstances surrounding the crime; (iii) length of time since the conviction and criminal history since the conviction; (iv) work history; (v) current employment and character references; and (vi) other evidence

demonstrating the ability of the person to perform the responsibilities of a school attendance officer competently and that the person does not pose a threat to the health or safety of children.

(c) A member of the State Board of Education or employee of the State Department of Education may not be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this section.

(3) Each school attendance officer shall possess a college degree with a major in a behavioral science or a related field or shall have no less than three (3) years combined actual experience as a school teacher, school administrator, law enforcement officer possessing such degree, and/or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers also shall satisfy any additional requirements that may be established by the State Personnel Board for the position of school attendance officer.

(4) It shall be the duty of each school attendance officer to:

(a) Cooperate with any public agency to locate and identify all compulsory-school-age children who are not attending school;

(b) Cooperate with all courts of competent jurisdiction;

(c) Investigate all cases of nonattendance and unlawful absences by compulsory-school-age children not enrolled in a nonpublic school;

(d) Provide appropriate counseling to encourage all school-age children to attend school until they have completed high school;

(e) Attempt to secure the provision of social or welfare services that may be required to enable any child to attend school;

(f) Contact the home or place of residence of a compulsory-school-age child and any other place in which the officer is likely to find any compulsory-school-age child when the child is absent from school during school hours without a valid written excuse from school officials, and when the child is found, the officer shall notify the parents and school officials as to where the child was physically located;

(g) Contact promptly the home of each compulsory-school-age child in the school district within the officer's jurisdiction who is not enrolled in school or is not in attendance at public school and is without a valid written excuse from school officials; if no valid reason is found for the nonenrollment or absence from the school, the school attendance officer shall give written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance;

(h) Collect and maintain information concerning absenteeism, dropouts and other attendance-related problems, as may be required by law or the Office of Compulsory School Attendance Enforcement; and

related field of service or employment, no less than as follows:

Years of Experience	Salary
0-4 years	\$21,450.00
5-8 years	\$24,000.00
9-12 years	\$26,040.00
13-16 years	\$28,080.00
17-20 years	\$30,120.00
Over 21 years	\$32,160.00

(7) (a) Each school attendance officer employed by a district attorney on June 30, 1998, who became an employee of the State Department of Education on July 1, 1998, shall be awarded credit for personal leave and major medical leave for his continuous service as a school attendance officer under the district attorney, and if applicable, the youth or family court or a state agency. The credit for personal leave shall be in an amount equal to one-third ($1/3$) of the maximum personal leave the school attendance officer could have accumulated had he been credited with such leave under [Section 25-3-93](#) during his employment with the district attorney, and if applicable, the youth or family court or a state agency. The credit for major medical leave shall be in an amount equal to one-half ($1/2$) of the maximum major medical leave the school attendance officer could have accumulated had he been credited with such leave under [Section 25-3-95](#) during his employment with the district attorney, and if applicable, the youth or family court or a state agency. However, if a district attorney who employed a school attendance officer on June 30, 1998, certifies, in writing, to the State Department of Education that the school attendance officer had accumulated, pursuant to a personal leave policy or major medical leave policy lawfully adopted by the district attorney, a number of days of unused personal leave or major medical leave, or both, which is greater than the number of days to which the school attendance officer is entitled under this paragraph, the State Department of Education shall authorize the school attendance officer to retain the actual unused personal leave or major medical leave, or both, certified by the district attorney, subject to the maximum amount of personal leave and major medical leave the school attendance officer could have accumulated had he been credited with such leave under [Sections 25-3-93](#) and [25-3-95](#).

(b) For the purpose of determining the accrual rate for personal leave under [Section 25-3-93](#) and major medical leave under [Section 25-3-95](#), the State Department of Education shall give consideration to all continuous service rendered by a school attendance officer before July 1, 1998, in addition to the service rendered by the school attendance officer as an employee of the department.

(c) In order for a school attendance officer to be awarded credit for personal leave and major medical leave or to retain the actual unused personal leave and major medical leave accumulated by him before July 1, 1998, the district attorney who employed the school attendance officer must certify, in writing, to the State Department of Education the hire date of the school attendance officer. For each school attendance officer employed by the youth or family court or a state agency before being designated an employee of the district attorney who has not had a break in continuous service, the hire date shall be the date that the school attendance officer was hired by the youth or family court or state agency. The department shall prescribe the date by

which the certification must be received by the department and shall provide written notice to all district attorneys of the certification requirement and the date by which the certification must be received.

(8) (a) School attendance officers shall maintain regular office hours on a year-round basis; however, during the school term, on those days that teachers in all of the school districts served by a school attendance officer are not required to report to work, the school attendance officer also shall not be required to report to work. (For purposes of this subsection, a school district's school term is that period of time identified as the school term in contracts entered into by the district with licensed personnel.) A school attendance officer shall be required to report to work on any day recognized as an official state holiday if teachers in any school district served by that school attendance officer are required to report to work on that day, regardless of the school attendance officer's status as an employee of the State Department of Education, and compensatory leave may not be awarded to the school attendance officer for working during that day. However, a school attendance officer may be allowed by the school attendance officer's supervisor to use earned leave on such days.

(b) The State Department of Education annually shall designate a period of two (2) consecutive weeks in the summer between school years during which school attendance officers shall not be required to report to work. A school attendance officer who elects to work at any time during that period may not be awarded compensatory leave for such work and may not opt to be absent from work at any time other than during the two (2) weeks designated by the department unless the school attendance officer uses personal leave or major medical leave accrued under [Section 25-3-93](#) or [25-3-95](#) for such absence.

(9) The State Department of Education shall provide all continuing education and training courses that school attendance officers are required to complete under state law or rules and regulations of the department.

Sources: Laws, 1998, ch. 566, § 5; Laws, 1999, ch. 529, § 1; reenacted and amended, Laws, 2002, ch. 576, § 1; reenacted without change, Laws, 2002, ch. 610, § 5; reenacted without change, Laws, 2004, ch. 552, § 5, eff from and after July 1, 2004.

OFFICE OF THE BUSINESS AND SUPPORT SERVICES
Summary of State Board of Education Agenda Items
June 20-21, 2007

OFFICE OF DROPOUT PREVENTION

00. Approval to bring the Administrative Procedures Act (APA) process: To revise State Board Policy 3101 – Compulsory School Attendance Officer Roles and Responsibilities

EXECUTIVE SUMMARY

Mississippi Code §37-13-89 and §43-21-321 detail the primary qualifications and duties of all School Attendance Officers employed by the Mississippi Department of Education.

This policy is being revised to:

- 1) Account for the change in employment status for Mississippi School Attendance Offices, pursuant to Mississippi Code §37-13-89, in which School Attendance Officers became employees of the State Department of Education. (School Attendance Officers were first employees of the Chancery Court, from 1985 until 1992, and then became employees of the District Attorney's Office until July 1, 1998 when they became employees of the State Department of Education);
- 2) Account for the creation of the Office of Dropout Prevention, pursuant to MS Code § 37-13-80;
- 3) Provide an elaboration of additional duties relating to compulsory school attendance enforcement, as established by the Mississippi Department of Education, in particular those responsibilities directly related to dropout prevention initiatives.

Backup material attached.

Recommendation: Approval.

Descriptor Term: Compulsory School Attendance

Code: 3101

Adoption Date: July 20, 1990

Revision: June 21, 1996

STATE BOARD POLICY

~~In order to comply with the legislative mandates governing the allocation of school attendance officers in each county, the following procedures will be used by the Mississippi Department of Education:~~

~~(1) Will obtain, annually, the enrollment data to establish allocation of attendance officers based upon existing statutes.~~

~~(2) Will establish, based upon statute, a list of allowable allocations which may be approved pending justification from district attorneys' offices.~~

~~(3) Will develop a letter which will be sent to district attorneys' offices stating procedure to follow in justifying additional attendance officers beyond the one officer that is automatically granted for each county.~~

~~(4) Will, after reviewing responses from district attorneys' offices, submit to the State Board of Education at the May meeting, recommendations for actual allocation of attendance officers by county for the next fiscal year.~~

~~(5) Will, based upon State Board of Education approval, certify to the State Fiscal Management Board the allocation of school attendance officers for the fiscal year commencing July 1.~~

REQUIREMENTS

(1) Employment of all School Attendance Officers, qualifications and duties, shall be in compliance with MS Code §37-13-89.

(2) Pursuant to MS Code §43-21-321 and §37-13-80 School Attendance Officers shall:

(a) Serve on transition teams to assist youth in detention centers to transition successfully back into the home school district once released from detention; and

(b) Gather accurate data on youth in juvenile detention centers to properly track students.

Office of Dropout Prevention Legislation

§37-13-80. Office of Dropout Prevention created; qualifications and responsibilities of director; date for implementation of dropout prevention program; legislative intent. [Repealed effective June 30, 2009].

- (1) There is created the Office of Dropout Prevention within the State Department of Education. The office shall be responsible for the administration of a statewide dropout prevention program and the Office of Compulsory School Attendance Enforcement.
- (2) The State Superintendent of Public Education shall appoint a director for the Office of Dropout Prevention, who shall meet all qualifications established by the State Superintendent of Public Education and the State Personnel Board. The director shall be responsible for the proper administration of the Office of Dropout Prevention and any other regulations or policies that may be adopted by the State Board of Education. The director shall report to the Legislature on the activities and programs of the office by January 1 of each year beginning in 2009.
- (3) Each school district shall implement a dropout prevention program approved by the Office of Dropout Prevention of the State Department of Education by the 2008-2009 school year.
- (4) It is the intent of the Legislature that, through the statewide dropout prevention program and the dropout prevention programs implemented by each school district, the graduation rate for cohort classes will be increased to not less than eighty-five percent (85%) by the 2018-2019 school year. The Office of Dropout Prevention shall establish graduation rate benchmarks for each two-year period from the 2008-2009 school year through the 2018-2019 school year, which shall serve as guidelines for increasing the graduation rate for cohort classes on a systematic basis to eighty-five percent (85%) by the 2018-2019 school year.

Sources: Laws, 2006, ch. 504, § 6, eff from and after July 1, 2006.

SUMMARY OF SENATE BILL 2818

SENATE BILL 2818 – requires a juvenile detention center to notify the school district officials on the first school day following a student's placement in the detention facility. The bill also requires a school district, which is in the county where the detention center is located and is designated by the judge as the sponsoring school district, shall provide a certified teacher to offer educational services to detainees. The bill allows a private provider to offer these educational services if agreed upon by the judge and sponsoring school district. Teacher selection shall be in consultation with the youth court judge. The bill provides that the legislature shall annually appropriate sufficient funds for the provision of educational services to detainees. After 48 hours of detention (excluding legal holidays and weekends), the detainee shall receive the following services, which may be computer-based:

- Diagnostic assessment of grade-level mastery of reading and math skills;
- Individualized instruction to address weaknesses identified in the assessment conducted; and
- Character education to improve behavior.

No later than the 10th day of detention, the detainee shall begin an extended detention education program developed by a team consisting of the teacher at the detention center, the appropriate official of the home school district and the youth court counselor or representative. The detainee's parent or guardian shall participate on the team unless excused by the judge.

The bill requires the sponsoring school district or the private provider to equip the detention center with an adequate computer lab. It requires the legislature to annually appropriate funds for the lab, which shall become the property of the detention centers but shall be updated by the sponsoring school district. The educational services may include: an assessment, math and reading instruction, character education and behavioral counseling. The bill requires the Department of Education to request annual funding from the Legislature. The bill requires a transition team to work together to help the detainee transition into the home school district. The transition team is to consist of a certified teacher from the sponsoring district or private provider, the appropriate official and school attendance officer from the home school district, and the youth court counselor or representative. The detainee's parent or guardian shall participate on the team unless excused by the youth court judge. The bill requires school attendance officers to gather data on youth in the detention centers to properly track students. The bill requires the Department's Office of Dropout Prevention to establish a procedure for the tracking of students who enter and leave detention centers on a statewide basis. The bill requires school districts' dropout prevention plans to address how students will transition to the home school district.

Effective Date: July 1, 2007

Due from Governor on 4/23/07

By: Senator(s) Chaney, Albritton, Dearing,
Jackson (11th), Jordan, Thomas, Tollison,
Walls, White

To: Education;
Appropriations

SENATE BILL NO. 2818
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 43-21-321 AND 43-21-605, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE NOTIFICATION TO THE SCHOOL DISTRICT OF A
3 STUDENT'S DETENTION IN A JUVENILE DETENTION FACILITY AND TO SET
4 STANDARDS FOR EDUCATIONAL SERVICES PROVIDED BY LOCAL SCHOOL
5 DISTRICTS TO DETAINED STUDENTS IN THESE FACILITIES; TO AMEND
6 SECTION 37-13-80, MISSISSIPPI CODE OF 1972, TO REQUIRE THE OFFICE
7 OF DROPOUT PREVENTION TO ESTABLISH A PROCEDURE FOR THE TRACKING OF
8 STUDENTS IN JUVENILE DETENTION CENTERS; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 SECTION 1. Section 43-21-321, Mississippi Code of 1972, is
11 amended as follows:

12 43-21-321. (1) All juveniles shall undergo a health
13 screening within one (1) hour of admission to any juvenile
14 detention center, or as soon thereafter as reasonably possible.
15 Information obtained during the screening shall include, but shall
16 not be limited to, the juvenile's:

- 17 (a) Mental health;
- 18 (b) Suicide risk;
- 19 (c) Alcohol and other drug use and abuse;
- 20 (d) Physical health;
- 21 (e) Aggressive behavior;
- 22 (f) Family relations;
- 23 (g) Peer relations;
- 24 (h) Social skills;
- 25 (i) Educational status; and
- 26 (j) Vocational status.

27 (2) If the screening instrument indicates that a juvenile is
28 in need of emergency medical care or mental health intervention
29 services, the detention staff shall refer those juveniles to the
30 proper health care facility or community mental health service

31 provider for further evaluation, as soon as reasonably possible.
32 If the screening instrument, such as the Massachusetts Youth
33 Screening Instrument version 2 (MAYSI-2) or other comparable
34 mental health screening instrument indicates that the juvenile is
35 in need of emergency medical care or mental health intervention
36 services, the detention staff shall refer the juvenile to the
37 proper health care facility or community mental health service
38 provider for further evaluation, recommendation and referral for
39 treatment, if necessary, within forty-eight (48) hours, excluding
40 Saturdays, Sundays and statutory state holidays.

41 (3) All juveniles shall receive a thorough orientation to
42 the center's procedures, rules, programs and services. The intake
43 process shall operate twenty-four (24) hours per day.

44 (4) The directors of all of the juvenile detention centers
45 shall amend or develop written procedures for admission of
46 juveniles who are new to the system. These shall include, but are
47 not limited to, the following:

48 (a) Determine that the juvenile is legally committed to
49 the facility;

50 (b) Make a complete search of the juvenile and his
51 possessions;

52 (c) Dispose of personal property;

53 (d) Require shower and hair care, if necessary;

54 (e) Issue clean, laundered clothing, as needed;

55 (f) Issue personal hygiene articles;

56 (g) Perform medical, dental and mental health
57 screening;

58 (h) Assign a housing unit for the juvenile;

59 (i) Record basic personal data and information to be
60 used for mail and visiting lists;

61 (j) Assist juveniles in notifying their families of
62 their admission and procedures for mail and visiting;

63 (k) Assign a registered number to the juvenile; and

64 (1) Provide written orientation materials to the
65 juvenile.

66 (5) Upon a student's detention in a juvenile detention
67 center, the detention center staff shall notify school district
68 officials where the detainee last attended school by the first
69 school day following the student's placement in the facility.

70 (6) All juvenile detention centers shall adhere to the
71 following minimum standards:

72 (a) Each center shall have a manual that states the
73 policies and procedures for operating and maintaining the
74 facility, and the manual shall be reviewed annually and revised as
75 needed;

76 (b) Each center shall have a policy that specifies
77 support for a drug-free workplace for all employees, and the
78 policy shall, at a minimum, include the following:

79 (i) The prohibition of the use of illegal drugs;
80 (ii) The prohibition of the possession of any
81 illegal drugs except in the performance of official duties;
82 (iii) The procedure used to ensure compliance with
83 a drug-free workplace policy;
84 (iv) The opportunities available for the treatment
85 and counseling for drug abuse; and
86 (v) The penalties for violation of the drug-free
87 workplace policy;

88 (c) Each center shall have a policy, procedure and
89 practice that ensures that personnel files and records are
90 current, accurate and confidential;

91 (d) Each center shall promote the safety and protection
92 of juvenile detainees from personal abuse, corporal punishment,
93 personal injury, disease, property damage and harassment;

94 (e) Each center shall have written policies that allow
95 for mail and telephone rights for juvenile detainees, and the

96 policies are to be made available to all staff and reviewed
97 annually;

98 (f) Center food service personnel shall implement
99 sanitation practices based on State Department of Health food
100 codes;

101 (g) Each center shall provide juveniles with meals that
102 are nutritionally adequate and properly prepared, stored and
103 served according to the State Department of Health food codes;

104 (h) Each center shall offer special diet food plans to
105 juveniles under the following conditions:

106 (i) When prescribed by appropriate medical or
107 dental staff; or

108 (ii) As directed or approved by a registered
109 dietitian or physician; and

110 (iii) As a complete meal service and not as a
111 supplement to or choice between dietary meals and regular meals;

112 (i) Each center shall serve religious diets when
113 approved and petitioned in writing by a religious professional on
114 behalf of a juvenile and approved by the juvenile detention center
115 director;

116 (j) Juvenile detention center directors shall provide a
117 written method of ensuring regular monitoring of daily
118 housekeeping, pest control and sanitation practices, and centers
119 shall comply with all federal, state and local sanitation and
120 health codes;

121 (k) Juvenile detention center staff shall screen
122 detainees for medical, dental and mental health needs during the
123 intake process. If medical, dental or mental health assistance is
124 indicated by the screening, or if the intake officer deems it
125 necessary, the detainee shall be provided access to appropriate
126 health care professionals for evaluation and treatment. Youth who
127 are held less than seventy-two (72) hours shall receive treatment
128 for emergency medical, dental or mental health assistance or

129 chronic conditions if a screening indicates such treatment is
130 needed. A medical history of all detainees shall be completed by
131 the intake staff of the detention center immediately after arrival
132 at the facility by using a medical history form which shall
133 include, but not be limited to, the following:

134 (i) Any medical, dental and mental health
135 treatments and medications the juvenile is taking;

136 (ii) Any chronic health problems such as
137 allergies, seizures, diabetes, hearing or sight loss, hearing
138 conditions or any other health problems; and

139 (iii) Documentation of all medications
140 administered and all health care services rendered;

141 (l) Juvenile detention center detainees shall be
142 provided access to medical care and treatment while in custody of
143 the facility;

144 (m) Each center shall provide reasonable access by
145 youth services or county counselors for counseling opportunities.
146 The youth service or county counselor shall visit with detainees
147 on a regular basis;

148 (n) Juvenile detention center detainees shall be
149 referred to other counseling services when necessary including:
150 mental health services; crisis intervention; referrals for
151 treatment of drugs and alcohol and special offender treatment
152 groups;

153 (o) Local school districts shall work collaboratively
154 with juvenile detention center staff to provide special education
155 services as required by state and federal law. Upon the written
156 request of the youth court judge for the county in which the
157 detention center is located, a local school district in the county
158 in which the detention center is located, or a private provider
159 agreed upon by the youth court judge and sponsoring school
160 district, shall provide a certified teacher to provide educational
161 services to detainees. The youth court judge shall designate said

162 school district which shall be defined as the sponsoring school
163 district. The local home school district shall be defined as the
164 school district where the detainee last attended prior to
165 detention. Teacher selection shall be in consultation with the
166 youth court judge. The Legislature shall annually appropriate
167 sufficient funds for the provision of educational services, as
168 provided under this act, to detainees in detention centers.

169 (p) The sponsoring school district, or a private
170 provider agreed upon by the youth court judge and sponsoring
171 school district, shall be responsible for providing the necessary
172 instructional program for the student. After forty-eight (48)
173 hours of detention, excluding legal holidays and weekends, the
174 detainee shall receive the following services which may be
175 computer-based:

176 (i) Diagnostic assessment of grade-level mastery
177 of reading and math skills;

178 (ii) Individualized instruction and practice to
179 address any weaknesses identified in the assessment conducted
180 under subparagraph (i), provided such detainee is in the center
181 for more than forty-eight (48) hours; and

182 (iii) Character education to improve behavior.

183 (q) No later than the tenth day of detention, the
184 detainee shall begin an extended detention education program. A
185 team consisting of a certified teacher provided by the local
186 sponsoring school district or a private provider agreed upon by
187 the youth court judge and sponsoring school district, the
188 appropriate official from the local home school district, and the
189 youth court counselor or representative will develop an
190 individualized education program for the detainee, where
191 appropriate as determined by the teacher of the sponsoring school
192 district, or a private provider agreed upon by the youth court
193 judge and sponsoring school district. The detainee's parent or
194 guardian shall participate on the team unless excused by the youth

195 court judge. Failure of any party to participate shall not delay
196 implementation of this education program.

197 (r) The sponsoring school district, or a private
198 provider agreed upon by the youth court judge and sponsoring
199 school district, shall provide the detention center with an
200 appropriate and adequate computer lab to serve detainees. The
201 Legislature shall annually appropriate sufficient funds to equip
202 and maintain the computer labs. The computer lab shall become the
203 property of the detention centers and the sponsoring school
204 districts shall maintain and update the labs.

205 (s) The Mississippi Department of Education will
206 collaborate with the appropriate state and local agencies,
207 juvenile detention centers and local school districts to ensure
208 the provision of educational services to every student placed in a
209 juvenile detention center. Such services may include, but not be
210 limited to: assessment and math and reading instruction,
211 character education and behavioral counseling. The Mississippi
212 Department of Education shall work with the appropriate state and
213 local agencies, juvenile detention centers and local school
214 districts to annually determine the proposed costs for educational
215 services to youth placed in juvenile detention centers and
216 annually request sufficient funding for such services as
217 necessary.

218 (t) Recreational services shall be made available to
219 juvenile detainees for purpose of physical exercise;

220 (u) Juvenile detention center detainees shall have the
221 opportunity to participate in the practices of their religious
222 faith as long as such practices do not violate facility rules and
223 are approved by the director of the juvenile detention center;

224 (v) Each center shall provide sufficient space for a
225 visiting room, and the facility shall encourage juveniles to
226 maintain ties with families through visitation, and the detainees

227 shall be allowed the opportunity to visit with the social workers,
228 counselors and lawyers involved in the juvenile's care;

229 (w) Juvenile detention centers shall ensure that staffs
230 create transition planning for youth leaving the facilities.

231 Plans shall include providing the youth and his or her parents or
232 guardian with copies of the youth's detention center education and
233 health records, information regarding the youth's home community,
234 referrals to mental and counseling services when appropriate, and
235 providing assistance in making initial appointments with community
236 service providers; the transition team will work together to help
237 the detainee successfully transition back into the home school
238 district once released from detention. The transition team will
239 consist of a certified teacher provided by the local sponsoring
240 school district, or a private provider agreed upon by the youth
241 court judge and sponsoring school district, the appropriate
242 official from the local home school district, the school
243 attendance officer assigned to the local home school district, and
244 the youth court counselor or representative. The detainee's
245 parent or guardian shall participate on the team unless excused by
246 the youth court judge. Failure of any party to participate shall
247 not delay implementation of this education program; and

248 (x) The Juvenile Detention Facilities Monitoring Unit
249 shall monitor the detention facilities for compliance with these
250 minimum standards, and no child shall be housed in a detention
251 facility the monitoring unit determines is substantially out of
252 compliance with the standards prescribed in this subsection.

253 (7) Programs and services shall be initiated for all
254 juveniles once they have completed the admissions process.

255 (8) Programs and professional services may be provided by
256 the detention staff, youth court staff or the staff of the local
257 or state agencies, or those programs and professional services may
258 be provided through contractual arrangements with community
259 agencies.

250 (9) Persons providing the services required in this section
261 must be qualified or trained in their respective fields.

262 (10) All directors of juvenile detention centers shall amend
263 or develop written procedures to fit the programs and services
264 described in this section.

265 SECTION 2. Section 43-21-605, Mississippi Code of 1972, is
266 amended as follows:

267 43-21-605. (1) In delinquency cases, the disposition order
268 may include any of the following alternatives:

269 (a) Release the child without further action;

270 (b) Place the child in the custody of the parents, a
271 relative or other persons subject to any conditions and
272 limitations, including restitution, as the youth court may
273 prescribe;

274 (c) Place the child on probation subject to any
275 reasonable and appropriate conditions and limitations, including
276 restitution, as the youth court may prescribe;

277 (d) Order terms of treatment calculated to assist the
278 child and the child's parents or guardian which are within the
279 ability of the parent or guardian to perform;

280 (e) Order terms of supervision which may include
281 participation in a constructive program of service or education or
282 civil fines not in excess of Five Hundred Dollars (\$500.00), or
283 restitution not in excess of actual damages caused by the child to
284 be paid out of his own assets or by performance of services
285 acceptable to the victims and approved by the youth court and
286 reasonably capable of performance within one (1) year;

287 (f) Suspend the child's driver's license by taking and
288 keeping it in custody of the court for not more than one (1) year;

289 (g) Give legal custody of the child to any of the
290 following:

291 (i) The Department of Human Services for
292 appropriate placement; or

293 (ii) Any public or private organization,
294 preferably community-based, able to assume the education, care and
295 maintenance of the child, which has been found suitable by the
296 court; or

297 (iii) The Department of Human Services for
298 placement in a wilderness training program or the Division of
299 Youth Services for placement in a state-supported training school,
300 except that no child under the age of ten (10) years shall be
301 committed to a state training school, and no first-time nonviolent
302 youth offenders shall be committed to a state training school
303 until all other options provided for in this section have been
304 considered and the court makes a specific finding of fact that
305 commitment is appropriate.

306 The training school may retain custody of the child until the
307 child's twentieth birthday but for no longer. When the child is
308 committed to a training school, the child shall remain in the
309 legal custody of the training school until the child has made
310 sufficient progress in treatment and rehabilitation and it is in
311 the best interest of the child to release the child. However, the
312 superintendent of a state training school, in consultation with
313 the treatment team, may parole a child at any time he may deem it
314 in the best interest and welfare of such child. Twenty (20) days
315 prior to such parole, the training school shall notify the
316 committing court of the pending release. The youth court may then
317 arrange subsequent placement after a reconvened disposition
318 hearing, except that the youth court may not recommit the child to
319 the training school or any other secure facility without an
320 adjudication of a new offense or probation or parole violation.
321 The Department of Human Services shall ensure that staffs create
322 transition planning for youth leaving the facilities. Plans shall
323 include providing the youth and his or her parents or guardian
324 with copies of the youth's training school education and health
325 records, information regarding the youth's home community,

326 referrals to mental and counseling services when appropriate, and
327 providing assistance in making initial appointments with community
328 service providers. Prior to assigning the custody of any child to
329 any private institution or agency, the youth court through its
330 designee shall first inspect the physical facilities to determine
331 that they provide a reasonable standard of health and safety for
332 the child. No child shall be placed in the custody of a state
333 training school for a status offense or for contempt of or
334 revocation of a status offense adjudication unless the child is
335 contemporaneously adjudicated for having committed an act of
336 delinquency that is not a status offense. A disposition order
337 rendered under this subparagraph shall meet the following
338 requirements:

339 1. The disposition is the least restrictive
340 alternative appropriate to the best interest of the child and the
341 community;

342 2. The disposition allows the child to be in
343 reasonable proximity to the family home community of each child
344 given the dispositional alternatives available and the best
345 interest of the child and the state; and

346 3. The disposition order provides that the
347 court has considered the medical, educational, vocational, social
348 and psychological guidance, training, social education,
349 counseling, substance abuse treatment and other rehabilitative
350 services required by that child as determined by the court;

351 (h) Recommend to the child and the child's parents or
352 guardian that the child attend and participate in the Youth
353 Challenge Program under the Mississippi National Guard, as created
354 in Section 43-27-203, subject to the selection of the child for
355 the program by the National Guard; however, the child must
356 volunteer to participate in the program. The youth court shall
357 not order any child to apply or attend the program;

358 (i) (i) Adjudicate the juvenile to the Statewide
359 Juvenile Work Program if the program is established in the court's
360 jurisdiction. The juvenile and his parents or guardians must sign
361 a waiver of liability in order to participate in the work program.
362 The judge will coordinate with the youth services counselors as to
363 placing participants in the work program;

364 (ii) The severity of the crime, whether or not the
365 juvenile is a repeat offender or is a felony offender will be
366 taken into consideration by the judge when adjudicating a juvenile
367 to the work program. The juveniles adjudicated to the work
368 program will be supervised by police officers or reserve officers.
369 The term of service will be from twenty-four (24) to one hundred
370 twenty (120) hours of community service. A juvenile will work the
371 hours to which he was adjudicated on the weekends during school,
372 and weekdays during the summer. Parents are responsible for a
373 juvenile reporting for work. Noncompliance with an order to
374 perform community service will result in a heavier adjudication.
375 A juvenile may be adjudicated to the community service program
376 only two (2) times;

377 (iii) The judge shall assess an additional fine on
378 the juvenile which will be used to pay the costs of implementation
379 of the program and to pay for supervision by police officers and
380 reserve officers. The amount of the fine will be based on the
381 number of hours to which the juvenile has been adjudicated;

382 (j) Order the child to participate in a youth court
383 work program as provided in Section 43-21-627;

384 (k) Order the child into a juvenile detention center
385 operated by the county or into a juvenile detention center
386 operated by any county with which the county in which the court is
387 located has entered into a contract for the purpose of housing
388 delinquents. The time period for detention cannot exceed ninety
389 (90) days, and any detention exceeding forty-five (45) days shall
390 be administratively reviewed by the youth court no later than

391 forty-five (45) days after the entry of the order. The youth
392 court judge may order that the number of days specified in the
393 detention order be served either throughout the week or on
394 weekends only. No first-time nonviolent youth offender shall be
395 committed to a detention center for a period of ninety (90) days
396 until all other options provided for in this section have been
397 considered and the court makes a specific finding of fact that
398 commitment to a detention center is appropriate. However, if a
399 child is committed to a detention center ninety (90) consecutive
400 days, the disposition order shall meet the following requirements:

401 (i) The disposition order is the least restrictive
402 alternative appropriate to the best interest of the child and the
403 community;

404 (ii) The disposition order allows the child to be
405 in reasonable proximity to the family home community of each child
406 given the dispositional alternatives available and the best
407 interest of the child and the state; and

408 (iii) The disposition order provides that the
409 court has considered the medical, educational, vocational, social
410 and psychological guidance, training, social education,
411 counseling, substance abuse treatment and other rehabilitative
412 services required by that child as determined by the court; or

413 (1) Referral to A-team provided system of care
414 services.

415 (2) If a disposition order requires that a child miss school
416 due to other placement, the youth court shall notify a child's
417 school while maintaining the confidentiality of the youth court
418 process. If a disposition order requires placement of a child in
419 a juvenile detention facility, the facility shall comply with the
420 educational services requirements of Section 43-21-321.

421 (3) In addition to any of the disposition alternatives
422 authorized under subsection (1) of this section, the disposition
423 order in any case in which the child is adjudicated delinquent for

424 an offense under Section 63-11-30 shall include an order denying
425 the driver's license and driving privileges of the child as
426 required under Section 63-11-30(9).

427 (4) If the youth court places a child in a state-supported
428 training school, the court may order the parents or guardians of
429 the child and other persons living in the child's household to
430 receive counseling and parenting classes for rehabilitative
431 purposes while the child is in the legal custody of the training
432 school. A youth court entering an order under this subsection (4)
433 shall utilize appropriate services offered either at no cost or
434 for a fee calculated on a sliding scale according to income unless
435 the person ordered to participate elects to receive other
436 counseling and classes acceptable to the court at the person's
437 sole expense.

438 (5) Fines levied under this chapter shall be paid into the
439 general fund of the county but, in those counties wherein the
440 youth court is a branch of the municipal government, it shall be
441 paid into the municipal treasury.

442 (6) Any institution or agency to which a child has been
443 committed shall give to the youth court any information concerning
444 the child as the youth court may at any time require.

445 (7) The youth court shall not place a child in another
446 school district who has been expelled from a school district for
447 the commission of a violent act. For the purpose of this
448 subsection, "violent act" means any action which results in death
449 or physical harm to another or an attempt to cause death or
450 physical harm to another.

451 (8) The youth court may require drug testing as part of a
452 disposition order. If a child tests positive, the court may
453 require treatment, counseling and random testing, as it deems
454 appropriate. The costs of such tests shall be paid by the parent,
455 guardian or custodian of the child unless the court specifically
456 finds that the parent, guardian or custodian is unable to pay.

457 (9) The Mississippi Department of Human Services, Division
458 of Youth Services, shall operate and maintain services for youth
459 adjudicated delinquent at Columbia and Oakley Training Schools.
460 The program shall be designed for children committed to the
461 training schools by the youth courts. The purpose of the program
462 is to promote good citizenship, self-reliance, leadership and
463 respect for constituted authority, teamwork, cognitive abilities
464 and appreciation of our national heritage. The Division of Youth
465 Services shall issue credit towards academic promotions and high
466 school completion. The Division of Youth Services may award
467 credits to each student who meets the requirements for a general
468 education development certification. The Division of Youth
469 Services must also provide to each special education eligible
470 youth the services required by that youth's individualized
471 education plan.

472 * * *

473 **SECTION 3.** Section 37-13-80, Mississippi Code of 1972, is
474 amended as follows:

475 37-13-80. (1) There is created the Office of Dropout
476 Prevention within the State Department of Education. The office
477 shall be responsible for the administration of a statewide dropout
478 prevention program and the Office of Compulsory School Attendance
479 Enforcement.

480 (2) The State Superintendent of Public Education shall
481 appoint a director for the Office of Dropout Prevention, who shall
482 meet all qualifications established by the State Superintendent of
483 Public Education and the State Personnel Board. The director
484 shall be responsible for the proper administration of the Office
485 of Dropout Prevention and any other regulations or policies that
486 may be adopted by the State Board of Education. The director
487 shall report to the Legislature on the activities and programs of
488 the office by January 1 of each year beginning in 2009.

489 (3) Each school district shall implement a dropout
490 prevention program approved by the Office of Dropout Prevention of
491 the State Department of Education by the 2008-2009 school year.

492 (4) (a) School attendance officers, working with school
493 district officials, shall gather accurate data on youth in
494 juvenile detention centers to properly track students.

495 (b) The Office of Dropout Prevention in the Department
496 of Education shall establish the procedure for the tracking of
497 students who enter and leave detention centers on a statewide
498 basis.

499 (5) Each school district's dropout prevention plan shall
500 address how students will transition to the home school district.

501 (6) It is the intent of the Legislature that, through the
502 statewide dropout prevention program and the dropout prevention
503 programs implemented by each school district, the graduation rate
504 for cohort classes will be increased to not less than eighty-five
505 percent (85%) by the 2018-2019 school year. The Office of Dropout
506 Prevention shall establish graduation rate benchmarks for each
507 two-year period from the 2008-2009 school year through the
508 2018-2019 school year, which shall serve as guidelines for
509 increasing the graduation rate for cohort classes on a systematic
510 basis to eighty-five percent (85%) by the 2018-2019 school year.

511 SECTION 4. This act shall take effect and be in force from
512 and after July 1, 2007.